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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS  
LTD., *et al.*,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, *et al.*,

Defendants,

and

BRISTOL BAY NATIVE ASSOCIATE,  
INC., *et al.*,

Intervenor-Defendants,

Case No. 3:24-cv-00059-SLG

CONSOLIDATED

LEAD CASE

STATE OF ALASKA,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Defendant,

and

TROUT UNLIMITED, *et al.*,

Intervenor-Defendants,

ILIAMNA NATIVES, LTD, *et al.*,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, *et al.*,

Defendants,

and

BRISTOL BAY ECONOMIC  
DEVELOPMENT CORPORATION, *et al.*,

Intervenor-Defendants,

Case No. 3:24-cv-00084-SLG

CONSOLIDATED

Case No. 3:24-cv-00132-SLG

CONSOLIDATED

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**MOTION TO SET SUMMARY JUDGMENT BRIEFING SCHEDULE**

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Plaintiffs, Northern Dynasty Minerals Ltd. (“Northern Dynasty”) and Pebble Limited Partnership (“Pebble Partnership”) (collectively, “PLP”), respectfully submit this Motion to Set Summary Judgment Briefing Schedule.

1. These three consolidated cases challenge the January 2023 Final Determination of the U.S. Environmental Protection Agency Pursuant to Section 404(c) of the Clean Water Act [for the] Pebble Deposit Area, Southwest Alaska (“Final Determination”). More than 20 entities have intervened as defendants in three sets of intervenor-defendants. Order re Motions to Intervene, ECF No. 95.

2. This case has been held in abeyance since February 14, 2025 at the government’s request. ECF Nos. 146, 148. The parties have submitted regular status reports during the abeyance period, and Court has periodically extended the abeyance. ECF Nos. 151-155. In the most recent status report, the parties sought a fourteen-day extension of the abeyance with a status report due today, July 17. *Id.*, ¶ 4.<sup>1</sup>

3. The abeyance was designed to allow the government defendants to brief new agency leadership and determine if they wished to take a different position. Motion to Hold Matter in Abeyance, ECF No. 146, ¶ 2. In the intervening seven months, the parties conferred in good faith as new agency leadership was brought on and familiarized themselves with the case. Status Report and Request to Extend Abeyance, ECF No. 155, ¶ 3. Discussions with new agency leadership were productive but the parties did not reach a negotiated resolution.

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<sup>1</sup> At the time of filing, the Court has not acted on this request.

4. PLP therefore respectfully submits that the parties are ready to proceed to summary judgment regarding the EPA's Final Determination as previewed in the most status report. *Id.*, ¶ 5; PLP Complaint, ECF No. 1, ¶¶ 66-74.

5. PLP submits that the Court should set a briefing schedule given the size of the administrative record and complexity of the issues to be briefed. In light of the months-long abeyance for EPA's extended review, the below summary judgment schedule will ensure the timely resolution of this case. PLP therefore requests a briefing schedule following a 60-45-30 day format between the initial cross-motions, opposition briefs, and replies. Specifically, PLP requests the Court order that:

- a. **Within sixty (60) days** - Plaintiffs will file their motions for summary judgment.
- b. **Within forty-five (45) days** - EPA will file its brief in opposition. Each set of Intervenor-Defendants is to file one consolidated merits brief in accordance with the Court's August 22, 2024 Order at 14-15, ECF No. 95.
- c. **Within thirty (30) days** - Plaintiffs will file their reply briefs in support of their motion for summary judgment.

6. PLP has conferred with all other parties regarding this proposed schedule. EPA does not consent and reserves the right to oppose PLP's proposal. Intervenor-Defendants declined to provide a position before reviewing this filing and reserve the right to oppose. The State of Alaska declined to provide its position in advance of filing; the Iliamna Natives and the Alaska Peninsula Corp. agree with the relief sought in this Motion.

PLP respectfully submits that the Court should set a summary judgment briefing schedule as outlined above and in the attached proposed order.

Dated: July 17, 2025

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## CERTIFICATE OF WORD COUNT

This document follows the type-volume limit of Local Civil Rule 7.4 and contains 524 words, as found by the word-count function of Microsoft 365.

/s/ Keith Bradley

Keith Bradley

## CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2025, I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court of Alaska by using the CM/ECF system. Participants in this Case No. 3:24-cv-00059-SLG who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Keith Bradley  
Keith Bradley